

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
WACO DIVISION**

**WSOU INVESTMENTS, LLC
d/b/a BRAZOS LICENSING
AND DEVELOPMENT,**

Plaintiff,

v.

**DELL TECHNOLOGIES INC.,
DELL INC., EMC CORPORATION,
and VMWARE, INC.**

Defendant.

§ **CIVIL ACTION NO. 6:20-CV-00473-ADA**
§ **CIVIL ACTION NO. 6:20-CV-00475-ADA**
§ **CIVIL ACTION NO. 6:20-CV-00476-ADA**
§ **CIVIL ACTION NO. 6:20-CV-00477-ADA**
§ **CIVIL ACTION NO. 6:20-CV-00480-ADA**
§ **CIVIL ACTION NO. 6:20-CV-00481-ADA**
§ **CIVIL ACTION NO. 6:20-CV-00482-ADA**
§ **CIVIL ACTION NO. 6:20-CV-00485-ADA**
§ **CIVIL ACTION NO. 6:20-CV-00486-ADA**
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JURY TRIAL DEMANDED

ORDER REGARDING DISCOVERY DISPUTES

This Court, having considered disputes raised by Plaintiff WSOU Investments, LLC d/b/a Brazos Licensing and Development (“Plaintiff”) and Defendants Dell Technologies Inc., Dell Inc., EMC Corporation, and VMware, Inc. (collectively, “Defendants”) during the April 13, 2022, Discovery Hearing, hereby ORDERS the following:

Issue No. 1. As to Plaintiff’s request to compel Defendants to provide discovery, including documents and further interrogatory responses, on products that Plaintiff claims use the same or reasonably similar technology to those identified in Plaintiff’s infringement contentions including, but not limited to, all series/versions of the following: (1) Dell PowerEdge Server Products, (2) Dell EMC SD-WAN Edge Products, and (3) SmartFabric Operating System 10 Products, the Court has carefully considered the parties’ new dispute chart, as well as the exhibits attached thereto. As stated at the hearing, the Court generally takes a broad view on discovery, to the extent it is relevant and proportional to the needs of the case. However, given the late stage of this litigation and a

review of the materials provided, the Court remains unpersuaded that Plaintiff requires “discovery on products that...use hardware referenced in the claims” to prosecute its case. The Court hereby DENIES Plaintiff’s request. To the extent Plaintiff is requesting discovery on products that have the “same or reasonably similar” software functionalities, the Court finds that information to be relevant and adequately disclosed in the infringement contentions. Based on comments at the hearing, the Court expects that such information has already been produced. If there continues to be a disagreement, the parties are welcome to reach out to the Court for assistance;

Issue No. 2. Plaintiff’s request to compel Defendants to substantially complete their document production is DENIED as moot based on Defendants’ representation that their document production is substantially complete;

Issue No. 3. Plaintiff’s request to compel Defendants’ supplemental response to Interrogatory No. 1 is DENIED as moot in light of the Court’s ruling on Issue No. 1 (above);

Issue No. 4. Defendants’ request to compel Plaintiff to supplement its responses to Interrogatory Nos. 3, 6, 16, and 17 is DENIED as moot, and Defendants’ request to compel Plaintiff to supplement its responses to Interrogatory Nos. 1, 13, 14, and 18 is DENIED;

Issue No. 5. Defendants’ request to compel Plaintiff to produce deposition transcripts and exhibits related to Plaintiff’s witnesses’ testimony and hearing transcripts (from the similar cases involving the Other Action Defendants, as defined in Defendants’ Requests for Production) in response to Request for Production Nos. 89 and 91 is DENIED;

Issue No. 6. Plaintiff’s request to compel Defendants to provide designations on all 30(b)(6) topics on which they agreed to provide testimony is GRANTED-IN-PART, and Defendants are ordered to identify their Rule 30(b)(6) designees seven (7) days before the witnesses’ deposition, or as early as is reasonably possible. The remainder of Plaintiff’s request

is DENIED;

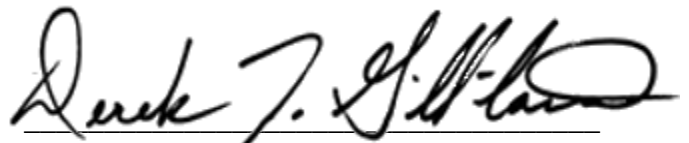
Issue No. 7. Defendants' request to compel Plaintiff to designate witnesses to testify on Defendants' Rule 30(b)(6) Topic Nos. 33, 49, 50, and 51 is DENIED;

Issue No. 8. Plaintiff withdrew its request to compel Defendants to provide financial data for the accused products;

Issue No. 9. Plaintiff withdrew its request to compel Defendants to produce documents that describe the benefits of the patents-in-suit; and

Issue No. 10. Plaintiff withdrew its request to compel Defendants to produce alleged missing basic technical documents.

Signed this 20th day of April 2022.

A handwritten signature in black ink, appearing to read "Derek T. Gilliland", written over a horizontal line.

HON. DEREK T. GILLILAND
UNITED STATES MAGISTRATE JUDGE